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REMARKS

In the Office Action dated November 15, 2002, claims 1-35 are pending in the application. Claims 18-35 stand withdrawn from consideration. Elected claims 1-17 stand rejected. The prior restriction requirement is made final. The rejection of claims 1-17 is non-final.

By this Amendment, Applicant maintains its traverse of the restriction requirement and traverses rejection of claims 1-17 on the bases stated below. Applicant amends claim 12 to clarify the claimed invention therein and to correct a typographical error as originally submitted. Applicant adds new claims 36-45 which are asserted to be allowable over the cited art of record and to not include any new matter.

For the reasons set forth hereinafter, it is respectfully submitted that Applicant's invention as set forth in claims 1-17 and 36-45 include features which are not anticipated, suggested or rendered obvious in any permissible combination by the cited references. Reconsideration is therefore, respectfully requested.

In the November 15, 2002 Office Action, the prior restriction requirement is made final. Applicant respectfully maintains its traverse of the Examiner's bases for the same reasons Applicant previously stated in its October 3, 2002 response.

In the present Office Action, claims 1-8, 10, 11, 13-15 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by Fawell, et al. ("Fawell"). The Examiner contends that Fawell discloses a die system with all of the claimed limitations including a base (bottom of Fig. 1), plurality of columns (best seen in Fig. 3), cross support, removable first modular die support (27), removable second modular die support (29), a pair of rotary dies having lateral rims, a pressure member (2), cylindrical roller bearings (Fig. 6), and spacers.

Applicant respectfully traverses on two principal grounds. First, Fawell does not teach or disclose use of elongate columns as claimed and disclosed in independent claims 1, 12, 13 and new claim 40 in the present invention. Fawell teaches use of heavy, presumably steel or iron, machined side plates/supports for

receiving cylindrical roller bearing blocks to support and permit rotation of the rotary dies having journals on both ends of the dies. See Fawell Figs. 1, 3, 5, 7 and 9. As disclosed in Applicant's Background of the Invention, Fawell's rotary die frame is old in the art and is disadvantageous for the reasons set forth therein. Applicant amended claim 12 to further clarify the elongate nature of the columns as originally claimed therein. Applicant has further added new dependent claims 36 and 37 depending from claim 1, and 38 and 39, depending from claim 12.

Second, Applicant further traverses the §102(b) rejection on grounds the asserted second modular die support (29) is not mounted, removably or otherwise, to the asserted cross support or member (identified by the Examiner in Fig. 2 of Fawell). This equally applies to the asserted first modular die support (27). Should the Examiner assert that the upper portion of Fawell element 27 comprises a cross bar, this portion of element 27 is not moveably engaged with the at least two of the plurality of columns as claimed in independent claims 1, 12, 13 and new claim 40. Applicant also traverses on grounds that Fawell does not teach or disclose the remaining elements as claimed and disclosed in the present invention.

For the reasons stated, Fawell does not anticipate or render obvious in any permissible combination, the present invention and submits that claims 1-17 and new claims 36-45 are allowable.

In the present Office Action, claims 1-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fawell in view of Stollenwerk. The Examiner contends that "[i]t would have been obvious to one of ordinary skill in the art to have modified Fawell by employing peripherally offset rollers on the modular die supports, as suggested by Stollenwerk, in order to reduce friction between the modular die support and the die roller." (Emphasis added).

Applicant respectfully traverses the §103(a) rejection as there is no teaching or suggestion to combine the Fawell and Stollenwerk references to solve the problem asserted by the Examiner or otherwise.

First, Applicant submits that there is no suggestion, incentive or motivation in Fawell for a need or an improvement to reduce friction between the

rotary dies and the asserted die support. As explained above, the stack of roller bearing blocks used to support the dies in Fawell, in conjunction with Fawell's heavy, machined steel side plates, have long been used to manage rotation of dies, and indeed, appears to be the method used in Stollenwerk. See supra, p. 9-10 and Applicant's Background of the Invention. Therefore, employment of Stollenwerk's trucks 50 and rollers 52 to Fawell is not suggested, is without support and is improper.

In addition, Applicant further submits the asserted combination is improper as there is no teaching or suggestion to combine the teachings of Stollenwerk (a rotary die pressure equalization device) to modify Fawell (device improving on changing rotary dies in a rotary mill). Although both Fawell and Stollenwerk relate to traditional rotary die frames consisting of rigid, machined steel frames, journaled dies rotatable about cylindrical bearing blocks sandwiched in the frame side plates, the respective pressure applying mechanisms are materially different. Fawell applies vertical force to and through the stationary stack of bearing blocks 27, 28 and 29 housing the die journals by direct pressure from the screws (2) which prevent vertical movement of the stationary blocks while the dies rotate within. See Fawell, Figs. 9, 10.

Conversely, the pressure mechanism of Stollenwerk applies pressure directly to the rotating upper die on annular bearing surfaces (62a, b) through truck chassis 50 and rollers 52. Unlike Fawell, Stollenwerk applies the pressure directly to the upper rolling die which must have materially different structure, i.e. some sort of bearing or roller to accommodate the rotating die. The asserted modification of interchanging Fawell's pressure structure on the bearing blocks with Stollenwerk's pressure structure on the rotating die is not suggested, is unsupported, renders Fawell inoperable, and is, therefore, improper.

For the reasons stated, Applicant submits that it is improper to make the asserted combination and §103 rejection in the absence of teaching, suggestion or incentive in the references supporting the combination or modification. See In Re Fritch, 972 F.2d 1260, 1265-1266, 23 U.S.P.Q.2d 1780, 1783-84 (Fed. Cir. 1992); In

Re Geiger, 815 F.2d 686, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987); Ruiz v. A.B. Chance, 57 U.S.P.Q.2d 1161, 1167 (Fed. Cir. 2000); Mitsubishi Elec. Corp. v. Ampex, 51 U.S.P.Q.2d 1910, 1916 (Fed. Cir. 1999). Although Fawell and Stollenwerk relate to rotary die mechanisms, a general relationship between the fields alone is insufficient to suggest the motivation or combination. Interactive Technologies, Inc. v. Pittway Corp., 194 F.3d 1337, 1999 WL 379139 at *6 (Fed. Cir. 1999) (unpublished), *cert. den'd* 120 S. Ct. 580 (1999).

For the reasons stated, it is respectfully submitted that Applicant's invention as set forth in claims 1-17 and 36-45 includes features which are not anticipated or rendered obvious by the references of record. Thus, it is submitted that claims 1-17 and 36-45 are in a condition for allowance, notice of which is respectfully requested.

Respectfully submitted,

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